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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
087645,073	05/13/96	YOSHIOKA	M 1046.1133/JD

STAAS & HALSEY
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WASHINGTON DC 20001

22M2/0917

EXAMINER	
GREGORY, B	
ART UNIT	PAPER NUMBER
2202	

DATE MAILED: 09/17/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/645,073

Applicant(s)
Makoto Yoshioka et al.

Examiner
Bernarr Earl Gregory

Group Art Unit
2202



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2202

1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 9 is indefinite and unclear as to whether it is claiming a method or a "storage device." In addition, claim 9 is unclear in that the method steps are not executed by the "storage device" and in that the "computer" is not clearly and definitely claimed. On line 3 of claim 9, the adverb "executably" is indefinite and unclear in context. That is to say, what does this adverb modify? Throughout claims 1-9, it is unclear what is meant by "sales period" in context. In claim 9, the "computer" is not clearly and definitely claimed. Independent claim 1 is indefinite and unclear as to whether a "content sales verifying system" is claimed or a "terminal." Independent claim 1 fails to recite any portion of a "content sales verifying system" other than a "terminal"; and, the body of the claim only recites the parts of the "terminal." In claim 2, "a single piece of medium" is unclear. Throughout claims 1-9, the uses of "effective period" are unclear. On line 2 of claim 3, "effective period" lacks a modifying article. Throughout claims 1-9, the uses of "center" and "content" are indefinite and unclear in context. In claim 3, "anterior to end of the effective period of said medium itself" is unclear. At the end of claim 5, the phrase "anterior to the end ... sales period" is unclear. In independent claim 8, it is unclear if a "content decryption key effective period verifying system" is claimed or a "center" is claimed. It is noted that the body of claim 8 only sets forth parts of the "center." Near the end of claim 8, the use of the verb "judges" is indefinite and unclear in context. Throughout claims 1-9, the mixed use of the words

Art Unit: 2202

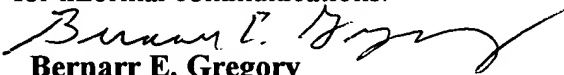
"period" and "time" makes the claims indefinite and unclear as to whether these two words are being used synonymously or in different senses. Throughout claims 1-9, the uses of the word "time" per se are indefinite and unclear as to whether they refer to clock time (for example, 2:00 PM on September 11); relative time (that is, a certain number of minutes of processor time); or, something else. Throughout claims 1-9, the claim language is indefinite and unclear due to failure to render the Japanese into standard vernacular English. Dependent claims 2-7 are unclear in that they depend from unclear independent claim 1.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

William (U.S. Patent 4,740,890); Hershey et al (U.S. Patent 4,924,378); Edwards, Jr. (U.S. Patent 5,014,234); Mu et al (U.S. Patent 5,343,524); Grantz et al (U.S. Patent 5,564,038); and, Plum (U.S. Patent 5,579,479) are all of interest for being very similar to Applicants' invention insofar as indefinite and unclear claims 1-9 can be understood.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr Gregory whose telephone number is (703) 306-4153 and whose FAX number is (703) 306-4195. The examiner may be reached on the Internet at bernard.gregory@uspto.gov for informal communications.

beg
September 11, 1997


Bernarr E. Gregory
Primary Examiner
Art Unit 2202